

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-7, 10-23, 28-36, 38 and 39-58 are presently active in this case. Claims 1, 17, 33 and 39 amended and Claims 57 and 58 added by way of the present amendment.

In the outstanding Office Action, Claims 1-7, 10, 12-23, 26, 28-36, 39-46 and 48-56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,363,434 to Eytchison in view of U.S. Patent No. 6,175,860 to Gaucher; Claims 11, 27, 38 and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Eytchison in view of Gaucher, and further in view of Balasubramaniam et al. U.S. Patent No. 6,803,728.

In response to the Notice of Non-Compliant Amendment under 37 CFR § 1.121, dated September 13, 2006, original Claim 18 is now present in the "Amendments to Claims." Original Claim 18 was inadvertently not included in the Amendment filed on September 7, 2006.

Applicant first wish to thank Examiner Hsu for the September 7, 2006 telephone conference at which time outstanding issues in this case were discussed. During the discussion, Examiner Hsu suggested amending the claims as indicated in this amendment. While no formal agreement was reached, Examiner Hsu indicated that such amendments would likely overcome the outstanding rejection if filed in a formal response with an RCE.

Turning now to the merits, in order to expedite issuance of a patent in this case, Applicant has amended independent Claims 1, 17, 33 and 39 to clarify the patentable distinctions of the present invention over the cited references. Specifically, these claims each recite monitoring management initiating parameters and waiting for transaction requests from the electronic devices, as well as determining a management action to be performed on an electronic device to be managed based on a comparison of a monitored parameter of the

electronic device with at least one stored predetermined value for at least one of the management initiating parameters. Also recited is that the management action is a predetermined action associated with the monitored parameter of the electronic device. As discussed in the September 6th conference, the cited prior art does not teach or suggest these limitations.

Thus, Applicant's independent Claims 1, 17, 33 and 39 patentably define over the cited references. As the remaining pending claims in this case depend from one of the above distinguished independent claims, the remaining dependent claims in this case also patentably define over the cited references. Nevertheless, Applicant's dependent claims provide a further basis for patentability over the cited references.

Specifically Claims 53-56 recite that the managing comprises managing an appliance. As discussed in the April 5th amendment, the cited references to Eytchison and Gaucher do not disclose this feature and, therefore, these claims provide additional basis for patentability over the cited references.

In addition, Applicants have added new Claims 57 and 58 to clarify that the management initiating parameter includes "at least a sensed parameter measured by a sensor that provides sensor data representative of the parameter." Thus, in response to the comments at page 6 of the Office Action, Applicants have amended the independent claims to include the terms "sensor" and "sensor data" in order to clarify that time and a system clock do not meet the "sensed parameter..." limitation of the claims.

Further, the specification and claims, as originally filed, make clear that a system clock is a different type of management initiating parameter than "a sensed parameter measured by a sensor that provides sensor data representative of the parameter."

Specifically, page 4, lines 3-5 of the originally filed specification states,

"The monitoring management initiating parameters monitored may include *at least one of* a system clock *and* sensed parameters."

Further, the paragraph linking pages 16-17 of the specification states,

“For example, the management initiating parameter may be the time of a system clock, a counter that counts a time lapse, *or* sensor data indicating temperature, humidity, or some other measurable parameter.”

These portions of the specification clearly contrast time (and the monitoring of a system clock) from a sensed parameter such a temperature or humidity. Further claims 9 and 25, and the Abstract of the original application also contrast time from a sensed parameter.

As discussed in the April 5, 2006 amendment, the cited reference to Eytchison discloses a home entertainment network in which a home server manages media services for entertainment devices by scheduling the use of entertainment resources. However, Eytchison does not disclose a sensor, a sensed parameter or sensor data. Even if the start time and end time of a scheduled event is a monitoring of a system clock as the Office Action asserts, this cannot reasonable be interpreted as “a sensed parameter measured by a sensor that provides sensor data representative of the parameter” as now required by Applicant’s Claims 57 and 58.

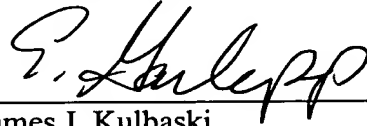
The secondary reference to Gaucher is cited only for its teaching of a wireless LAN, and does not correct the deficiencies of Eytchison. As described in the October 20, 2005 amendment, the master computer 12 of Gaucher provides a common interface for the various appliances on the Gaucher network. However, Gaucher in no way discloses monitoring for management initiating parameters (including sensed parameters), determining a management action to be performed or initiating a management action as recited in Claims 57 and 58. The cited reference to Balasubramaniam is also cited for teachings in the dependent claims and cannot correct the deficiencies of Eytchison and Gaucher. Thus, Claims 57 and 58 further define over the cited references.

Consequently, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance.

An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Edwin D. Garlepp
Registration No. 45,330